

UNITED STATES DISTRICT COURT

NORTHERN

U.S. DISTRICT COURT
N.D. OF N.Y.

NEW YORK

UNITED STATES OF AMERICA

FILED

CRIMINAL COMPLAINT

v.

ROGER BRUCE ROBARE, JR.,

AUG 16 2007

Defendant.

LAWRENCE K. BAERMAN, CLERK
ALBANY

CASE NUMBER: 1:07mj-297 DRH

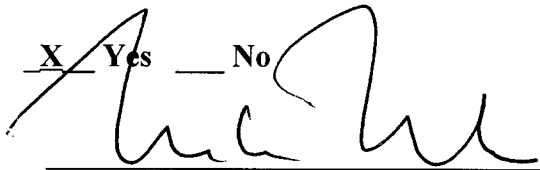
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 20, 2007, in the Northern District of New York the above-named defendant,

did knowingly possess a firearm made in violation of the provisions of Chapter 53 of Title 26 of the United States Code; to wit, said defendant did possess a Armory Gun Company, .20-gauge shotgun, which as modified has an overall length of less than 26 inches and a barrel of less than 18 inches,

in violation of Title 26 United States Code, Sections 5861(c). I further state that I am a Special Agent and that this complaint is based on the following facts:

Continued on the attached and made a part hereof.

☒ Yes ☐ No



Mark P. Meeks


Bureau of Alcohol, Tobacco, and Firearms

Sworn to before me, and subscribed in my presence,

August 16, 2007 at
Date

Albany, New York
City and State

HON. DAVID R. HOMER
United States Magistrate Judge - N.D.N.Y.
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

Mark P. Meeks, being duly sworn, deposes and says:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since 2000. My current duties include the investigation of Federal firearm violations and related crimes. I am a graduate of the Federal Law Enforcement Training Center, and as part of my training I have received instruction in the identification of firearms and the investigation of firearm violations.
2. Based on my review of reports and conversations with other law enforcement officers, I have learned that on or about July 20, 2007, New York State Police Investigators recovered a Armory Gun Company, .20 gauge shotgun with a barrel length of less than 18 inches and an overall length of less than 26 inches from a trailer previously occupied by Roger Bruce ROBARE, Jr. Prior to searching the trailer, police officers received a written consent to search the premises from the legal owner of the trailer, Wendy Robare.
3. I have reviewed a criminal history report for Robert Bruce ROBARE, Jr. and learned that on November 7, 1983, he was convicted of Robbery 1st degree, a class B felony in New York State, and received a term of 150 months to 25 years incarceration. On the same day, ROBARE was also convicted of Attempted Sodomy 1st degree, a class C felony, and received a sentence of 90 months to 15 years incarceration.
4. On August 9, 2007, I requested that the ATF National Firearms Act records repository be queried for any firearms registered to Roger Bruce ROBARE, Jr. The search revealed no firearms registered to Roger Bruce ROBARE, Jr.
5. I have reviewed a sworn affidavit taken from April Robare on August 6, 2007 wherein April Robare identified the firearm recovered from a trailer previously occupied by Roger Bruce ROBARE, Jr. as the same firearm that she witnessed Roger Bruce ROBARE, Jr. possess on or about July 20, 2007. Moreover, April Robare stated that previously she witnessed Roger Bruce ROBARE Jr. cut down the barrel of the firearm to make it shorter and also saw him fire it outside their residence to make sure it worked.
6. Based upon the foregoing information, I submit that there is probable cause to arrest Rober Bruce ROBARE, Jr. for violations of Title 26 United States Code Sections 5822, 5845(a)(2), and 5861(c), for the unauthorized making of a firearm, where the definition of firearm includes a weapon made from a shotgun if such a weapon has an overall length of less than 26 inches or barrel length of less than eighteen inches, and for his failure to register such weapon, and for his possession of a firearm made in violation of the provisions of the National Firearms Act.

A handwritten signature in black ink, appearing to read 'Mark P. Meeks', written over a horizontal line.

Mark P. Meeks
Special Agent, ATF

Sworn to before me
this 16th day of August, 2007

A handwritten signature in black ink, appearing to read 'David R. Homer', written over a horizontal line.

Hon. David R. Homer
United States Magistrate Judge
Albany, New York